

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

LUDENS DENIS,

Petitioner,

-vs-

09-CV-6152(CJS)(VEB)

DHS/ICE OF BUFFALO, NEW YORK, et al.,

DECISION & ORDER

Respondents.

On March 31, 2009, Petitioner Ludens Denis, a citizen of Haiti, filed this petition pursuant to 28 U.S.C. § 2241 while he was in the custody of the Department of Homeland Services Immigration and Customs Enforcement ("DHS/ICE") awaiting deportation pursuant to a final order of removal. In or about April 2009, Petitioner was removed to Haiti. Respondent subsequently filed a motion to dismiss the petition as moot. On May 13, 2009, the Honorable Victor E. Bianchini, United States Magistrate Judge, issued a Report and Recommendation (Docket No. [#7]), recommending that the petition be dismissed as moot, inasmuch as the only relief that Petitioner had been seeking was his removal from custody. The Report and Recommendation indicated that any objections to the Report and Recommendation had to be filed within ten days. A copy of the Report and Recommendation was mailed to Petitioner at Petitioner's last known address, the Buffalo Federal Detention Center. However, the mail was returned as undeliverable, apparently due to the fact that Petitioner was already removed to Haiti.

Accordingly, it is hereby

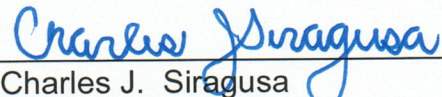
ORDERED, that the Report and Recommendation [#7] is affirmed and adopted in all respects; and it is further

ORDERED, that this action is dismissed as moot. The Clerk of the Court is directed to close this case.

IT IS SO ORDERED.

Dated: July 13, 2009
Rochester, New York

ENTER:



Charles J. Siragusa
United States District Judge